

**REMARKS**

Prior to this response, Claims 1-38 were pending in the application. No claims are added or canceled herein. Hence, Claims 1-38 are pending in the application upon entry of this response.

Claims 1, 14, 19, 20, 32 and 38 are amended herein.

**SUMMARY OF THE REJECTIONS/OBJECTIONS**

Claims 1, 20 and 38 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Chao et al. (“*Chao*”; U.S. Patent No. 6,622,159) in view of Atkin et al. (“*Atkin*”; U.S. Patent No. 5,900,871); and

Claims 2-19 and 21-37 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Chao*.

**THE REJECTIONS BASED ON THE PRIOR ART**

**Rejection under 35 U.S.C. §103(a)**

Claims 1, 20 and 38 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Chao* in view of *Atkin*.

The Office Action acknowledges that *Chao* does not disclose, generally, providing a second application configuration, based on second configuration information, for servicing new requests while maintaining a first application configuration, based on first configuration information, for concurrently servicing existing requests. However, the Office Action alleges that *Atkin* discloses such a limitation.

Claim 1 recites the following:

wherein a first application configuration is defined by first application configuration information, the first application configuration information specifying application classes for execution of the application according to the first application configuration;

reading second application configuration information defining a reconfigured version of the application, the second application configuration information specifying application classes for execution of the application according to the reconfigured version of the application...

Hence, the configuration information corresponding to the different versions of the application specify corresponding application classes for execution of the application according to each corresponding configuration. Stated otherwise, each corresponding configuration information specifies the fundamental classes based on which each corresponding application version is constructed and executes. Such application classes are associated with the core functionality provided by each corresponding application version at runtime and, therefore, the fundamental manner in which each corresponding version executes.

By contrast, the “cultural profiles” of *Atkin* are not associated with the fundamental functionality provided by an application. Rather, cultural profiles merely localize the application according to different language and cultural attributes corresponding to different countries in which the application is deployed (see, e.g., col 8, lines 1-5, referring to “English in the United States,” “French in Switzerland,” “French in the United States”), without changing the core functionality of the application. The cultural profiles of *Atkin* are associated with a different functional or operational ‘level’ than the application classes recited in Claim 1. For example, different application classes corresponding to different application versions are capable of substantively changing the output of versions, e.g., via different functionality, whereas different cultural profiles ‘culturally’ change the output rather than substantively (see, e.g., col. 1, line 63 through col. 2, line 6; and col. 2, lines 61-67, referring to “culturally correct string comparisons, collation tables for sorting different languages, date, time, and currency formatting...”; and col. 5, line 50 through col. 6, line 16). Thus, the embodiment of Claim 1

and *Atkin* discuss different problems and, therefore, disclose different solutions. It is considered a more challenging task to functionally reconfigure an application while the application is executing than to reconfigure cultural/language translations during execution.

For at least the foregoing reasons, Claim 1 is patentable over the cited references of record. Claims 20 and 38 are amended similarly to Claim 1 and, therefore, are patentable over *Chao* and *Atkin* for at least the same reasons as discussed in reference to Claim 1. Therefore, withdrawal of the rejection of Claims 1, 20 and 38 under 35 U.S.C. § 103(a) is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 2-19 and 21-37 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Chao*.

(I) Claims 2-13 and 21-31

The rejection of Claims 2-13 and 21-31 under 35 U.S.C. § 102(e) is traversed, based on the following remarks.

The Office Action acknowledges that *Chao* does not disclose, generally, providing a second application configuration, based on second configuration information, for servicing new requests while maintaining a first application configuration, based on first configuration information, for concurrently servicing existing requests, the substance of which is recited in independent Claims 1 and 20. Claims 2-13 depend from Claim 1 and Claims 21-31 depend from Claim 20, and each of these dependent claims incorporates the limitations from the respective independent claim from which it depends. Therefore, a *prima facie* case of anticipation regarding Claims 2-13 and 21-31 is not supported by *Chao* because *Chao* is, as acknowledged, deficient in its teachings. Withdrawal of the rejection of Claims 2-13 and 21-31 under 35 U.S.C. § 102(e) is requested.

Additionally, each of Claims 2-13 and 21-31 are patentable over *Chao* and *Atkin* for at least the same reasons as the respective independent claim from which it depends. Distinctions between Claims 1 and 20 and the cited references are already discussed herein, and these distinctions are further applicable to dependent Claims 2-13 and 21-31. Thus, the cited references also do not support a valid obviousness rejection of Claims 2-13 and 21-31 under 35 U.S.C. § 103.

Furthermore, each of Claims 2-13 and 21-31 recites at least one additional feature that makes it separately patentable over the cited references of record. Due to the fundamental distinctions between the independent claims and the teachings of *Chao* and *Atkin* already described, discussion of these additional patentable features recited in the dependent claims is foregone at this time. However, the rejections of these dependent claims are collectively traversed and no statements of official notice, overarching allegations of obviousness, or allegations of well-known features that may be present in the Office Action are stipulated to or admitted as prior art features, and the right to separately argue such features in the future is not disclaimed.

## (II) Claims 14-18 and 32-37

Independent Claims 14 and 32 are amended similarly to Claim 1. Amended Claims 14 and 32 recite, *inter alia*, the following:

wherein the first application configuration information specifies application classes for execution of the application according to the former application configuration and the second application configuration information specifies application classes for execution of the application according to the current application configuration;  
completing processing, based at least in part on the application classes specified in the first application configuration information, a pending first request

for an application service that is associated, via a global variable, with the former application configuration;

...  
processing the second request based at least in part on the application classes specified in the second application configuration information

First, each of Claims 14 and 32 is patentable over *Chao* because *Chao* does not teach or fairly suggest that each configuration information corresponding to a version of an application specifies classes for execution of the application according to the corresponding version configuration, as generally recited in Claims 14 and 32. By contrast, *Chao* is directed to continuous server service during switching from a current *server* version to a new server version, rather than former and current *application* versions that execute on a server. Further, it is discussed herein in reference to Claim 1 that *Atkin* also does not teach or fairly suggest the foregoing feature.

Additionally and as presented in previous remarks, independent Claims 14 and 32 recite a first request that is associated, via a global variable, with a first application configuration and a second request that is associated, via a global variable, with a second application configuration. See, e.g., paragraphs [0013], [0014], [0016] and [0017]. *Chao* does not teach or suggest use of a global variable for storing a reference or pointer to a configuration data structure that controls all requests, events, and activities received on those connections that are associated with the global variable, as described in the application. By contrast, in the case of a restart, *Chao* leaves open a socket associated with the current server version during switching from the current server version to a new server version, only so that calls made during switching continue to be received. Associating different requests with different application versions via a global reference or pointer to the different application configurations is different than simply leaving a socket open so that no calls are dropped, or associating socket descriptors

with that open socket (not with an application configuration) so that the new version can identify the open socket.

Based on all the foregoing reasons, *Chao* does not anticipate Claims 14 and 32 and withdrawal of the rejection of Claims 14 and 32 under 35 U.S.C. § 102(e) is requested.

Dependent Claims 15-18 and 33-37 depend from Claims 14 and 32, respectively. Therefore, Claims 15-18 and 33-37 are patentable over the cited references of record for at least the same reasons as the claims from which these claims respectively depend. Furthermore, each of Claims 15-18 and 33-37 recites at least one additional feature that makes it separately patentable over the cited references of record. Due to the fundamental distinctions between the independent claims and the teachings of *Chao* (and *Atkin*) already described, discussion of these additional patentable features recited in the dependent claims is foregone at this time. However, the rejections of these dependent claims are collectively traversed and no statements of official notice, overarching allegations of obviousness, or allegations of well-known features that may be present in the Office Action are stipulated to or admitted as prior art features, and the right to separately argue such features in the future is not disclaimed.

(III) Claim 19

*Chao* fails to teach or suggest every limitation of Claim 19 and, therefore, does not fairly anticipate this claim. Claim 19 is somewhat similar to Claim 1 in that, while processing pending requests by one application version, a new request is processed by a different application version. Thus, two different versions of the application are processing requests at the same time. Furthermore, Claim 19 is amended similarly to Claim 1, regarding the different configuration information specifying the application classes, and is patentable over any combination of *Chao* and *Atkin* for the same reasons as Claim 1.

Claim 19 further recites the presence of two or more former application configurations of the same application, in addition to the current application configuration, and the processing of pending requests by any of the former configurations. Thus, the embodiment recited in Claim 19 captures the scalability of this approach, in that more than two versions can be running at the same time, i.e., multiple old versions and one current version. Based on the foregoing reasons, *Chao* does not anticipate Claim 19 and withdrawal of the rejection of Claim 19 under 35 U.S.C. § 102(e) is requested.

## CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims (1-38) are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,  
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Date: 3/15/06

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on 3/15/06

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